

ORDINANCE NO. 2200

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT ON CERTAIN LANDS LOCATED IN THE CITY OF GARDNER, KANSAS, UNDER THE AUTHORITY GRANTED BY THE GARDNER, KANSAS, ZONING ORDINANCE; (CUP-06-03).

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: That having received a recommendation from the Planning Commission on June 26, 2006, and proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the Gardner, Kansas, Zoning Ordinance, a Conditional Use Permit is issued on lands legally described as follows:

CASE NO. CUP-06-03

The construction and operation of a Communications Transmission Tower in an M-2, General Industry District, located at 760 W. Warren Street, subject to the following conditions:

- a. The development shall be in accordance with Exhibit "A" (Site Plan) which is filed in the office of the Planning Commission Secretary and which is incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
- b. The conditional use permit shall expire after a period of ten (10) years from the date of City Council approval.
- c. The tower and antenna structures shall be galvanized metal.
- d. Mobile or immobile equipment not used in direct support of the tower facility shall not be stored or parked on the site of the communication tower unless repairs to the tower are being made.
- e. A building permit with structural and electrical drawings, sealed by a licensed structural engineer registered in the state of Kansas is required.
- f. The landowner shall be responsible for the removal of the communications tower or facility within six months (6) in the event the lessee fails to remove it upon abandonment.

Legal Description: Lot 2, Moonlight Business Park II, a subdivision in the City of Gardner, Johnson County, Kansas, according to the recorded plat thereof.

SECTION TWO: That upon the taking effect of this Ordinance, the above conditional use permit shall be incorporated and shown on the Zoning District Map previously adopted by reference, and said Zoning District Map is hereby reincorporated as a part of the Zoning Ordinance as amended.

SECTION THREE: That this Ordinance shall take effect and be in force for ten years from and after its adoption by the City Council and publication in the official City Newspaper.

SECTION FOUR: That this area lies within the Airport Interest Area, and pursuant to K.S.A. 3-307e, the rezoning must have the approval of the Board of County Commissioners of Johnson County, Kansas.

PASSED and APPROVED this 17th day of July, 2006.

Carol Lehman, Mayor

ATTEST:

Gwen Scott, City Clerk
(SEAL)